

PROB 12C  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Petition for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Robert Tequan Nappi

**Docket Number:** 98-00728-001

**PACTS Number:** 21875

**Name of Sentencing Judicial Officer:** The Honorable Katharine S. Hayden, U.S.D.J.

**Date of Original Sentence:** 12/06/1999

**Original Offense:** Possession of a Firearm by a Convicted Felon

**Original Sentence:** 105 months imprisonment; 3 years supervised release.

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 10/09/2007

**Assistant U.S. Attorney:** Matthew Queler, 970 Broad Street, Room 502, Newark, New Jersey 07102,  
(973) 645-2700

**Defense Attorney:** David Holman, 972 Broad Street, 2<sup>nd</sup> Floor, Newark, New Jersey 07102,  
(973) 645-6347

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**PETITIONING THE COURT**

☒ To issue a warrant

The probation office alleges that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The offender has violated the supervision condition which states ' <b>You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.</b> '
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Since the commencement of supervision, Nappi has failed to consistently submit *Monthly Supervision Reports (MSRs)*. Nappi failed to submit *MSRs* for the months of June, July, August and November of 2008. In addition, Nappi has not submitted *MSRs* for February or March of 2009.

2	The offender has violated the supervision condition which states ' <b>You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.</b> '
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On March 24, 2009, Nappi reported to the probation office and admitted to using cocaine and heroin on March 21, 2009, and March 23, 2009, respectively.

- 3           The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

Nappi has not availed himself to drug treatment as instructed. On March 26, 2009, Nappi was referred for outpatient substance abuse treatment at the COPE Center in Montclair, New Jersey. On March 30, 2009, Nappi was contacted via telephone and instructed to call COPE within 24 hours and make arrangements with their staff to begin drug treatment. According to the COPE staff, Nappi failed to call their program on or before March 31, 2009 as instructed or anytime thereafter. According to COPE, Nappi is not participating in their drug treatment program.

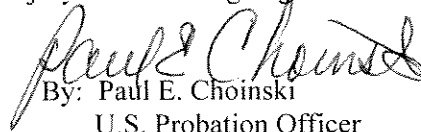
- 4           The offender has violated the supervision condition which states '**You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.**'

Since the commencement of supervision the offender has been sporadically employed and is currently unemployed. Nappi was not excused by the U.S. Probation Office from the requirement of working.

- 5           The offender has violated the supervision conditions which state '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**' and '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**'

In December 2008, the offender was instructed to begin participation in the probation office's mandatory phase drug testing program, "Code-A-Phone". According to the program records, Nappi has failed to call the Code-A-Phone toll free telephone since April 1, 2009, and last submitted a urine specimen on February 19, 2009. In addition, Nappi has failed to return repeated telephone calls made to him by the probation office.

I declare under penalty of perjury that the foregoing is true and correct.

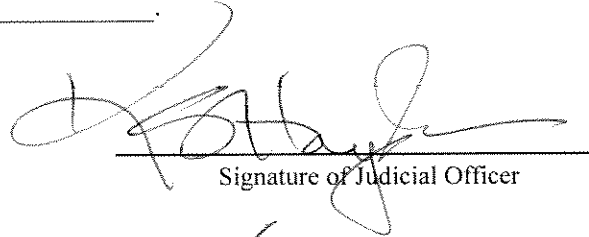
  
By: Paul E. Choinski

U.S. Probation Officer

Date: 04/16/2009

THE COURT ORDERS:

- ☒ The Issuance of a Warrant  
☐ The Issuance of a Summons. Date of Hearing: \_\_\_\_\_  
☐ No Action  
☐ Other

  
Signature of Judicial Officer

  
Date